

# EXHIBIT B



HAGENS BERMAN

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August 26, 2019

**VIA CERTIFIED MAIL**

Capital One Financial Services  
Attn: Legal Department  
1680 Capital One Drive  
McLean, VA 22102-3491

Amazon Web Services, Inc.  
Attn: Legal Department  
440 Terry Avenue N.  
Seattle, WA 98109

Re: *Riley, et al. v. Capital One Financial Services and Amazon Web Services, Inc.*

Notice pursuant to: California Civil Code § 1782; Georgia Code § 10-1-399; Massachusetts General Laws Chapter 93A, § 9(3); Texas Business & Commercial Code § 17.505; and West Virginia Code § 46A-6-106(b) as well as state express warranty and implied warranty of merchantability statutes.

To whom it may concern:

PLEASE TAKE NOTICE that Plaintiffs Ursula Riley, Howard Chen, and Jarod Thrash bring an action on behalf of themselves and all others similarly situated in an action against Capital One Financial Services and Amazon Web Services arising from their: (1) failure to take reasonable and adequate measures to protect the personal information of approximately 106 million Americans, including Plaintiffs and the Classes that they seek to represent, which failure resulted in criminals stealing such personal and financial information; and (2) failure to promptly and adequately notify Plaintiffs and the Classes that they seek to represent of the massive data breach that was first disclosed by Capital One on July 29, 2019.

Plaintiffs allege that Capital One and Amazon Web Services acted negligently under Washington and common law, and violated the statutes set forth above, when it failed to adequately protect Plaintiffs' and 106 million Americans' personal information from theft. Plaintiffs further allege that Capital One and Amazon Web Services failed to

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comply with various statutes requiring prompt and reasonable notification of data breach events, as fully set forth in the above-captioned complaint.

Plaintiffs' and approximately 106 million Americans' personal information has been stolen from Capital One and Amazon Web Services' computer systems, including critical information, such as names, dates of birth, email addresses, telephone numbers, credit card numbers, and account numbers. If Capital One and Amazon Web Services had taken the reasonable and expected measure of protecting this information, then the massive data breach would not have happened, and Plaintiffs and 106 million Americans would not now be forced to spend time and money securing their identities and would not be at extreme risk of identity theft for years, if not decades to come.

Moreover, because Capital One and Amazon Web Services failed to promptly and reasonably notify Plaintiffs and 106 million Americans that their personal information, including names, dates of birth, email addresses, telephone numbers, credit card numbers, and passport numbers, had been stolen, identity thieves have possessed victims personal information without victims having known any reasons to take steps to prevent: (1) their identities from being stolen; (2) fraudulent loans and accounts being opened in their names; (3) their information from being sold to other criminals; and (4) other criminal acts being undertaken with victims' personal and financial information.

As a result of Capital One and Amazon Web Services unfair, deceptive, and/or fraudulent business practices, and its failure to timely disclose the data breach and its inadequate measures to protect Plaintiffs' and 106 million Americans' personal information, Plaintiffs and the Classes that they seek to represent have suffered losses in money and/or property and are at an extreme risk of identity theft for years, if not decades to come. Had Plaintiffs and Class members known of Capital One and Amazon Web Services inadequate data security measures, they would have taken steps to protect their personal information. Moreover, if Plaintiffs and Class members had been immediately notified of the data breach, then they would have immediately taken appropriate steps to prevent fraud and identity theft.

By misrepresenting the nature of their actual data security, failing to take rudimentary steps such as updating applications with available security patches, failing to provide prompt and adequate notification of data breaches, and otherwise failing to disclose material facts about the nature of its data security, Capital One and Amazon Web Services conduct, as described herein, was unlawful, unfair and deceptive, and flagrantly violated consumer protection laws, including without limitation the California Deceptive Practices Act, Cal. Civ. Code § 1770, *et seq.*, the Georgia Fair Business Practices Act, Ga. Code. Ann. § 10-1-393, Mass. Gen. Laws Ch. 93A, § 1, *et seq.*, the Texas Deceptive

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Trade Practices-Consumer Protection Act, Tex. Bus. & Com. Code Ann. § 17.41, *et seq.*, and the West Virginia Consumer Protection Act, W. Va. Code § 46A-6-101, *et seq.* This notice is being served on behalf of the above-referenced putative class.

Said putative class hereby demands that Capital One and Amazon Web Services correct or otherwise rectify the damage caused by such unfair trade practices and return all monies paid by putative Class members and all costs expended to mitigate the harms they have caused. Otherwise, the Classes will seek recovery of damages, costs and fees through the courts under, among other statutes or state laws, California Civil Code §§ 1780, 1781, Georgia Code § 10-1-399, Massachusetts General Laws Chapter 93A, § 9(1), § 11, Texas Business & Commercial Code § 17.50(a)(1), West Virginia Code § 46A-6-106(a)(1).

PLEASE TAKE FURTHER NOTICE that Plaintiffs intend to assert Class allegations under the foregoing statutes if full payment to the Class does not occur within the applicable statutory period.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP

A handwritten signature in dark ink, appearing to read "Thomas E. Loeser", with a long horizontal flourish extending to the right.

Thomas E. Loeser  
Attorney

TEL:tl  
Enclosure